

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANTHONY BRACY	:	CIVIL ACTION
	:	
v.	:	NO. 17-5478
	:	
BARRY SMITH, et al.	:	

ORDER


AND NOW, this 17th day of December 2018, after carefully and independently considering the Petition for writ of *habeas corpus* (ECF Doc. No. 19), United States Magistrate Judge Elizabeth T. Hey's November 26, 2018 Report and Recommendation (ECF Doc. No. 21) recommending a short stay pending the result of a scheduled December 27, 2018 hearing already continued (several times), continued 2018 activity on Petitioner's efforts to exhaust his post-verdict rights in state court, and the Respondent District Attorney's December 14, 2018 status update (ECF Doc. No. 22), it is **ORDERED**:

1. We **APPROVE** and **ADOPT** Judge Hey's November 26, 2018 Report and Recommendation (ECF Doc. No. 21) and direct the Clerk of Court to place this matter on the Court's **suspense** docket until further Order;

2. We **APPOINT** the Federal Defender's Office of the Eastern District of Pennsylvania to represent Mr. Bracy in this federal *habeas* proceeding; and,

3. As we are concerned about the repeated continuances in state court after lengthy delay, Respondent District Attorney shall promptly file notice upon the entry of the state court's ruling described in the status update (ECF Doc. No. 22) at which time Mr. Bracy's appointed

counsel shall, within thirty days of a ruling from the state court, file a status memorandum describing whether Mr. Bracy wishes to presently pursue this *habeas* petition.


KEARNEY, J.